




**SIGNED THIS 22nd day of December, 2023**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**

  
\_\_\_\_\_  
Rebecca B. Connelly  
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

**In re:  
MELONEY BANDY CULLEY,  
Debtor.**

**Chapter 13  
Case No. 23-60016**

**ORDER**

On November 9, 2023, the debtor, by counsel, filed an amended chapter 13 plan. *See* ECF Doc. No. 47. The debtor, however, failed to file (i) the amended chapter 13 plan cover sheet and notice of hearing and (ii) a certificate of service of the amended plan. Based on this failure, the Court issued a deficiency order. *See* ECF Doc. No. 48. When the deficiency was not cured within the time provided, the Court noticed and held a show cause hearing on December 14, 2023. *See* ECF Doc. Nos. 50, 57. At the December 14, 2023 hearing, the Court directed that counsel for the debtor submit an order to the Court continuing the show cause hearing to January 11, 2024, at 9:30 AM, on certain conditions.

On December 18, 2023, at 2:31 PM, counsel for the debtor submitted a proposed order continuing the show cause hearing. *See* Ex. A. The order in paragraph 1 continued the show cause hearing to January 11, 2023, instead of January 11, 2024. The order failed to include a hearing time. The order also failed to check any of the check boxes on the Court's form chapter 13 continuance order. Instead, the order submitted simply contained question marks where the form check boxes would otherwise be.

Because of these errors, the Court returned the order by email sent on December 18, 2023, at 3:04 PM. *See* Ex. B. The email informed counsel that his order contained an incorrect hearing year and that the time of the hearing was missing. The email also pointed out the question marks and asked that the order be resubmitted to check the boxes to identify which matters are being continued.

Shortly thereafter, on December 18, 2023, at 3:17 PM, counsel for the debtor resubmitted a proposed order in this case. *See* Ex. C. The resubmitted order did provide a hearing time, however, the resubmitted order provided an incorrect hearing time of 10:00 AM, when the hearing to be held on January 11, 2024, is scheduled for 9:30 AM and not 10:00 AM. The revised order failed to correct any of the other errors from the order previously submitted. That is, the resubmitted order still provided that the hearing would be continued to January 11, 2023, instead of 2024. The order still contained question marks instead of check boxes.

The original order was returned to counsel because it contained so many errors it could not be entered by the Court. Rather than correct the errors as requested by the Court, counsel resubmitted an order that did not address the errors specifically identified in the Court's email communication to counsel. Counsel resubmitted an order that is incomplete and incorrect and as such may not be entered. Because counsel for the debtor has failed to submit an order in a format for entry, and the attempt to address the issues with the order through a courtesy email from the Court to counsel has failed, the Court will require counsel to appear at a hearing on this matter. Accordingly, notice is given, and it is hereby

**ORDERED**

that the debtor's counsel shall appear on **January 11, 2024, at 9:30 AM** and explain why he has twice failed to submit an order consistent with the terms of the order instructed by the Court

to be submitted following the December 14, 2023 hearing, and why he should not be directed to participate in training or sanctioned for his failure to submit orders in a format capable of entry by the Court.

The hearing shall be conducted, **by video using Zoom software**. **Parties shall not appear in person. The parties may access the hearing using the following URL: <https://vawb-uscourts-gov.zoomgov.com/j/1603692643>. Alternatively, parties may log in to their Zoom account and join the meeting using Meeting ID number 160 369 2643.**

Copies of this order are directed to be provided to the debtor, counsel for the debtor, the chapter 13 trustee, and the Office of the United States Trustee.

**End of Order**

**Exhibit A**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

In re:	)	
Meloney Culley	)	Case No: 23-60016
	)	Chapter 13
Debtor(s).	)	

**ORDER CONTINUING MATTER(S)**

This matter is before the Court on:

- ? Confirmation of the debtor's (hereinafter, either singularly or collectively, the "debtor") proposed Chapter 13 plan, or approval of any modifications thereto, and any objections thereto;
- ? The trustee's motion to dismiss, related response and any related application for fees;
- ? A motion for relief filed by and any responses thereto;
- ? Other pleading: Order to Show Cause

For cause, it is hereby **ORDERED**:

1. ? The hearing on the above referenced matters is:

? (a) **CONTINUED** to **Wednesday, January 11, 2023** at

? (b) **CONTINUED** to the same date and time as any hearing on the modified plan to be filed as required in paragraph 4 below.

Regardless of either option selected above, if any pleading seeks to extend, impose, lift or modify the automatic stay and is continued by the terms of this Order, then the automatic stay shall also remain in effect through the continued hearing date as set forth herein.

**LOCATION: The hearing shall be held: 1**

**Exhibit A**

via ZOOM (Judge Rebecca B. Connelly) zoomgov.com MEETING ID 160 369 2643

2. ? At any continued hearing related to confirmation of the plan, approval of a modified plan, or motion to dismiss, upon cause shown by any party, the court may dismiss the case.
3. ? The trustee must receive a payment of \$ such that the amount must post to the trustee's account on or before . If the trustee does not timely receive the payment, then:
- a. ? Upon the trustee's certification, the debtor shall have fourteen (14) days to file a response, and if one is filed it shall be heard at the continued date and time provided in paragraph one, however, if no response is filed within fourteen (14) days, then the case shall be dismissed.
- b. ? Upon the trustee's certification, the case shall be dismissed without further notice or hearing.
4. ? Counsel for the debtor shall submit a wage deduction order to the court no later than Friday, December 22, 2023 or the debtor shall appear at the continued hearing date to show cause why no wage deduction order should be entered.
5. ? Should the trustee be prepared to recommend confirmation, a confirmation order may be submitted for entry prior to the continued hearing provided that the confirmation order is endorsed by every party having filed an objection to confirmation.
6. ? Confirmation of the debtor's existing Chapter 13 plan is **DENIED**. The debtor shall have until to file a modified plan. Upon failure to do so, or to request an extension of time prior to the due date for the modified plan, this case shall be dismissed without further notice or hearing.
- Should a modified plan be timely filed, counsel shall serve it in accord with existing procedures and orders of this Court.
7. ? Other provisions: On or before December 22, 2023 the Debtor shall a. provide the Trustee with proof of set up of automatic mortgage payments b. file a motion to approve loan modification and/or to incur new debt; and c object to claim #1 filed by Rocket Mortgage, if not amended to remove post-petition arrears. Moreover, on or before January 8, 2024, the Trustee shall receive a payment of \$920 from the Debtor

This Order shall be provided electronically via CM/ECF upon all parties who filed the pleadings, responses or appearances. Debtor's counsel shall provide the Debtor with a copy of this Order via first class mail, postage prepaid. If a party appearing in any of the matters referenced above is not registered for CM/ECF or appears pro se, then Debtor's counsel shall ensure a copy of the Order is mailed first class mail, postage prepaid.

**\*\*END OF ORDER\*\***

# Exhibit A

We consent:

/s/ Angela Scolforo, Trustee

Angela Scolforo, Esquire

Chapter 13 Trustee

123 W Main Street, Suite 310

Charlottesville VA 22902

(434) 817 9913

ascolforo@cvillech13.net

/s/ Steven Shareff, Esquire

VSB#24323

Counsel for the Debtor

PO Box 729

Louisa VA 23093

(540) 748 2176

Eleban39@aol.com

## Exhibit B

### **Caleb Chaplain**

---

**From:** MailUser@vawb.uscourts.gov  
**Sent:** Monday, December 18, 2023 3:04 PM  
**To:** eleban39\_aol.com; Ginger Rose; VAWBdb\_EOrder Resubmit  
**Subject:** Resubmit notice for proposed order for case 23-60016

Please resubmit proposed order order\_to\_show\_cause\_continuance.PDF received from Shareff, Steven, Esq on 12/18/2023 14:31 for case 23-60016. Entry #1 - Hearing date has the incorrect year and there is no time of the hearing written in the order. Instead of boxes, beside each numbered item, the order has ? (question marks). Please resubmit with the correct checked boxes to identify which matters are being continued.

**Exhibit C**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**

In re:	)	
Meloney Culley	)	Case No: 23-60016
	)	Chapter 13
Debtor(s).	)	

**ORDER CONTINUING MATTER(S)**

This matter is before the Court on:

- ? Confirmation of the debtor's (hereinafter, either singularly or collectively, the "debtor") proposed Chapter 13 plan, or approval of any modifications thereto, and any objections thereto;
- ? The trustee's motion to dismiss, related response and any related application for fees;
- ? A motion for relief filed by and any responses thereto;
- ? Other pleading: **Order to Show Cause**

For cause, it is hereby **ORDERED**:

1. ? The hearing on the above referenced matters is:

? (a) **CONTINUED** to **Wednesday, January 11, 2023** at 10:00 a.m.

? (b) **CONTINUED** to the same date and time as any hearing on the modified plan to be filed as required in paragraph 4 below.

Regardless of either option selected above, if any pleading seeks to extend, impose, lift or modify the automatic stay and is continued by the terms of this Order, then the automatic stay shall also remain in effect through the continued hearing date as set forth herein.

**LOCATION: The hearing shall be held: 1**



**Exhibit C**

via ZOOM (Judge Rebecca B. Connelly) zoomgov.com MEETING ID 160 369 2643

2. ? At any continued hearing related to confirmation of the plan, approval of a modified plan, or motion to dismiss, upon cause shown by any party, the court may dismiss the case.
3. ? The trustee must receive a payment of \$ such that the amount must post to the trustee's account on or before . If the trustee does not timely receive the payment, then:
- a. ? Upon the trustee's certification, the debtor shall have fourteen (14) days to file a response, and if one is filed it shall be heard at the continued date and time provided in paragraph one, however, if no response is filed within fourteen (14) days, then the case shall be dismissed.
- b. ? Upon the trustee's certification, the case shall be dismissed without further notice or hearing.
4. ? Counsel for the debtor shall submit a wage deduction order to the court no later than Friday, December 22, 2023 or the debtor shall appear at the continued hearing date to show cause why no wage deduction order should be entered.
5. ? Should the trustee be prepared to recommend confirmation, a confirmation order may be submitted for entry prior to the continued hearing provided that the confirmation order is endorsed by every party having filed an objection to confirmation.
6. ? Confirmation of the debtor's existing Chapter 13 plan is **DENIED**. The debtor shall have until to file a modified plan. Upon failure to do so, or to request an extension of time prior to the due date for the modified plan, this case shall be dismissed without further notice or hearing.
- Should a modified plan be timely filed, counsel shall serve it in accord with existing procedures and orders of this Court.
7. ? Other provisions: On or before December 22, 2023 the Debtor shall a. provide the Trustee with proof of set up of automatic mortgage payments b. file a motion to approve loan modification and/or to incur new debt; and c object to claim #1 filed by Rocket Mortgage, if not amended to remove post-petition arrears. Moreover, on or before January 8, 2024, the Trustee shall receive a payment of \$920 from the Debtor

This Order shall be provided electronically via CM/ECF upon all parties who filed the pleadings, responses or appearances. Debtor's counsel shall provide the Debtor with a copy of this Order via first class mail, postage prepaid. If a party appearing in any of the matters referenced above is not registered for CM/ECF or appears pro se, then Debtor's counsel shall ensure a copy of the Order is mailed first class mail, postage prepaid.

**\*\*END OF ORDER\*\***

# Exhibit C

We consent:

/s/ Angela Scolforo, Trustee

Angela Scolforo, Esquire

Chapter 13 Trustee

123 W Main Street, Suite 310

Charlottesville VA 22902

(434) 817 9913

ascolforo@cvillech13.net

/s/ Steven Shareff, Esquire

VSF#24323

Counsel for the Debtor

PO Box 729

Louisa VA 23093

(540) 748 2176

Eleban39@aol.com